Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, it is noted that ownership of the above-identified application has been transferred, and revocation and power of attorney papers will soon be made of record. In the meantime, the undersigned counsel confirms that authority to act on behalf of the new owner has been provided to the undersigned.

This submission is accompanied by a petition for a three-month extension of time. All fees associated with this submission can be charged to Deposit Account 14-1138. Any overpayment can be credited and any underpayment can be charged to the same account.

Claims 6 and 12-16 have been cancelled without prejudice, and 1, 10, and 17 have been amended. The amendments to claims 1 and 17 find descriptive support in original claims 6 and 13 as well in paragraphs 0029, 0030, and 0047 of the application as published (US 2006/0146787). Claim 10 has been re-written to depend from claim 1. Claim 17 has also been amended to tie the recited method to a device having a memory and processor for carrying out the method. Therefore, no new matter has been introduced by the above amendments.

The rejection of claims 1, 2, 4, 10, 11, and 17-19 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,212,327 to Berstis et al. ("Berstis") in view of U.S. Patent No. 6,128,650 to De Vos et al. ("De Vos") is respectfully traversed.

Berstis teaches a data processing system, such as a set top box, which monitors a network supplied data stream. Upon detection of user-defined data items, the system controls an appropriate record/playback device to record a broadcast associated with the detected data item. The U.S. Patent and Trademark Office ("PTO") acknowledges at page 3 of the office action that Berstis does not disclose a storage means or output means.

De Vos teaches a video/audio data serving system, which is intended to be connected to a plurality of end devices. On page 3 of the office action, the PTO cites to De Vos's teaching of storage means and user output means.

Although the storage cited by the PTO refers to the server storage as opposed to that of a personal recording and playback system, the combination of Berstis and De Vos is otherwise deficient in several respects with regard to a system or method as presently claimed. In particular, the combination of Berstis and De Vos fails to teach a system or method which includes (analysis means for) "examining and improving a quality of an audio or audio/visual stream and identifying at least one of: a profile of the stream, voice over

sections of the stream, degraded sections of the stream, and commercial detection" where this step or analysis means improves "the quality of the audio or audio/visual stream by comparing a title in the audio or audio/visual recording collection to a title stored in a real time file system or a common memory and by replacing (i) a title in the audio or audio/visual recording collection with a title stored in the real time file system or the common memory or (ii) portions of the title in the audio or audio/visual recording collection in order to remove voice over portions or defects of any kind or commercials" (reference numerals omitted).

Because the combination of Berstis and De Vos is deficient in this regard, the rejection of claims 1, 2, 4, 10, 11, and 17-19 for obviousness over this combination of references is improper and should be withdrawn.

The rejection of claims 3 and 20 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis and De Vos further in view of U.S. Patent Publ. No. 2004/0019497 to Volk et al. ("Volk") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis and De Vos with respect to claims 1 and 17 are set forth above. The PTO asserts at page 4 of the office action that Volk teaches "providing hypertext links to stations that are most requested, listened to, or connected to by various users." Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Volk does not overcome the above-noted deficiencies of the combination of Berstis and De Vos with respect to claims 1 and 17, from which claims 3 and 20 respectively depend. Therefore, this rejection should be withdrawn.

The rejection of claims 5, 12, and 21 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis and De Vos further in view of U.S. Patent Publ. No. 2002/0083060 to Wang et al. ("Wang") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis and De Vos with respect to claims 1 and 17 are set forth above. The PTO asserts at page 5 of the office action that Wang teaches "a method for recognizing an audio sample from a database indexing a large set of original recordings." Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Wang does not overcome the above-noted deficiencies of the combination of Berstis and De Vos with respect to claims 1 and 17, from which claims 5 and 21 respectively depend. Therefore, this rejection should be withdrawn.

The rejection of claims 6 and 13 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis and De Vos further in view of U.S. Patent No. 6,100,941 to Dimitrova et al. ("Dimitrova") is rendered moot by the cancellation of claims 6 and 13. To

the extent that claim 1 now recites several limitation previously recited in claim 6, however, the rejection of claim 1 is nevertheless improper because Dimitrova does not overcome the above-noted deficiencies of the combination of Berstis and De Vos with respect to claim 1. Therefore, this rejection should be withdrawn.

The rejection of claims 7 and 14 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis and De Vos further in view of U.S. Patent No. 6,337,947 to Porter et al. ("Porter") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis and De Vos with respect to claim 1 is set forth above. The PTO asserts at pages 6-7 of the office action that Porter teaches "a method for customized editing and/or censoring of video and/or audio signals…including replace[ment] with a substitute audio and/or video signal." Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Porter does not overcome the above-noted deficiencies of the combination of Berstis and De Vos with respect to claim 1 from which claim 7 depends. Therefore, this rejection should be withdrawn.

The rejection of claims 8, 9, 15, and 16 under 35 U.S.C. § 103(a) for obviousness over the combination of Berstis and De Vos further in view of U.S. Patent Publ. No. 2002/0047899 to Son et al. ("Son") is respectfully traversed.

The teachings and deficiencies of the combination of Berstis and De Vos with respect to claim 1 is set forth above. The PTO asserts at pages 7-8 of the office action that Son teaches that the various formats recited in claim 8 and the use of plug-ins. Even if, assuming *arguendo*, this is true (which applicants do not admit), then the rejection is improper because Son does not overcome the above-noted deficiencies of the combination of Berstis and De Vos with respect to claim 1 from which claims 8 and 9 depend. Therefore, this rejection should be withdrawn.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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